

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JAMES G. ARMISTEAD,)	
)	
Petitioner,)	
)	
v.)	1:18CV1006
)	
ERIK A. HOOKS,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on December 13, 2018, was served on the parties in this action. (ECF Nos. 2, 3.) Petitioner filed objections to the Magistrate Judge's Recommendation. (See ECF No. 4.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is construed as a habeas petition under 28 U.S.C. §2254 and is DISMISSED *sua sponte* without prejudice to Petitioner making any appropriate filings in the Eastern District of North Carolina.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 21st day of December 2018.

/s/ Loretta C. Biggs
United States District Judge